

discussion or student presentations are permissible and constitute a protected right. If in a sex education class a student remarks that abortion should be illegal because God has prohibited it, a teacher should not silence the remark, ridicule it, rule it out of bounds or endorse it, any more than a teacher may silence a student's religiously-based comment in favor of choice.

b. If a class assignment calls for an oral presentation on a subject of the student's choosing, and, for example, the student responds by conducting a religious service, the school has the right—as well as the duty—to prevent itself from being used as a church. Other students are not voluntarily in attendance and cannot be forced to become an unwilling congregation.

c. Teachers may rule out-of-order religious remarks that are irrelevant to the subject at hand. In a discussion of Hamlet's sanity, for example, a student may not interject views on creationism.

DISTRIBUTION OF RELIGIOUS LITERATURE

9. Students have the right to distribute religious literature to their schoolmates, subject to those reasonable time, place, and manner or other constitutionally-acceptable restrictions imposed on the distribution of all non-school literature. Thus, a school may confine distribution of all literature to a particular table at particular times. It may not single out religious literature for burdensome regulation.

10. Outsiders may not be given access to the classroom to distribute religious or anti-religious literature. No court has yet considered whether, if all other community groups are permitted to distribute literature in common areas of public schools, religious groups must be allowed to do so on equal terms subject to reasonable time, place and manner restrictions.

"SEE YOU AT THE POLE"

11. Student participation in before- or after-school events, such as "see you at the pole," is permissible. School officials, acting in an official capacity, may neither discourage nor encourage participation in such an event.

RELIGIOUS PERSUASION VERSUS RELIGIOUS HARASSMENT

12. Students have the right to speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. But school officials should intercede to stop student religious speech if it turns into religious harassment aimed at a student or a small group of students. While it is constitutionally permissible for a student to approach another and issue an invitation to attend church, repeated invitations in the face of a request to stop constitute harassment. Where this line is to be drawn in particular cases will depend on the age of the students and other circumstances.

EQUAL ACCESS ACT

13. Student religious clubs in secondary schools must be permitted to meet and to have equal access to campus media to announce their meetings, if a school receives federal funds and permits any student non-curricular club to meet during non-instructional time. This is the command of the Equal Access Act. A non-curricular club is any club not related directly to a subject taught or soon-to-be taught in the school. Although schools have the right to ban all non-curriculum clubs, they may not dodge the law's requirement by the expedient of declaring all clubs curriculum-related. On the other hand, teachers may not actively participate in club activities and "non-school persons" may not control or regularly attend club meeting.

The Act's constitutionality has been upheld by the Supreme Court, rejecting claims that the Act violates the Establishment Clause. The Act's requirements are described in more detail in *The Equal Access Act and the Public Schools: Questions and Answers on the Equal Access Act*, a pamphlet published by a broad spectrum of religious and civil liberties groups.

RELIGIOUS HOLIDAYS

14. Generally, public schools may teach about religious holidays, and may celebrate the secular aspects of the holiday and objectively teach about their religious aspects. They may not observe the holidays as religious events. Schools should generally excuse students who do not wish to participate in holiday events. Those interested in further details should see *Religious Holidays in the Public Schools: Questions and Answers*, a pamphlet published by a broad spectrum of religious and civil liberties groups.

EXCUSAL FROM RELIGIOUSLY-OBJECTIONABLE LESSONS

15. Schools enjoy substantial discretion to excuse individual students from lessons which are objectionable to that student or to his or her parent on the basis of religion. Schools can exercise that authority in ways which would defuse many conflicts over curriculum content. If it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance the school would be legally required to excuse the student.

TEACHING VALUES

16. Schools may teach civic virtues, including honesty, good citizenship, sportsmanship, courage, respect for the rights and freedoms of others, respect for persons and their property, civility, the dual virtues of moral conviction and tolerance and hard work. Subject to whatever rights or excusal exist (see ¶15 above) under the federal Constitution and state law, schools may teach sexual abstinence and contraception; whether and how schools teach these sensitive subjects is a matter of educational policy. However, these may not be taught as religious tenets. The mere fact that most, if not all, religions also teach these values does not make it unlawful to teach them.

STUDENT GARB

17. Religious messages on T-shirts and the like may not be singled out for suppression. Students may wear religious attire, such as yarmulkes and head scarves, and they may not be forced to wear gym clothes that they regard, on religious grounds, as immodest.

RELEASED TIME

18. Schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on premises during the school day.

PERSONAL STATEMENT

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mrs. MYRICK. Mr. Speaker, I recently noticed that for rollcall vote No. 598, I am on record as having voted "nay." When I cast may vote on this amendment, I voted "aye" and, due to an error with the electronic voting system, I was incorrectly recorded as having

voted "nay." My votes both in the Science Committee and on the House floor, on the issue of Federal funding for the space station, have been consistent. At a time when we are tightening our belts in order to balance the Federal budget, I cannot support funding for this project. Therefore, I would like to ask unanimous consent that my correct intentions—a vote of "aye"—be placed in the permanent record immediately following rollcall vote No. 598.

RETIREMENT OF RICHARD BOERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the retirement of an extremely devoted public servant. Mr. Richard W. Boers, commissioner of Forestry and Open Space Planning for the city of Toledo, recently announced his retirement. I would like to recognize his numerous contributions to my district during his career.

Mr. Boers was the youngest commissioner in the city of Toledo when he was appointed in 1966. Since his appointment, I have witnessed the flourishing of the city of Toledo under his leadership. Mr. Boers has been responsible for several recreational parks in Toledo area, where residents have enjoyed the beautiful greenery while walking, biking, and picnicking. The arts community has also prospered with the annual Crosby Festival for the Arts at the Toledo Botanical Gardens. It is because of his involvement with the Arts Commission of Greater Toledo, that his festival has benefited the artists in the region, as well as those seeking the beauty and solitude offered by our encounters with nature. Mr. Boers has been instrumental in the Buckeye Basin project, the Urban Forestry Commission and Nature Education programs. In addition, Toledo has been classified as a Tree City USA for the past 15 years.

Because of the efforts put forth by Mr. Boers, Toledo's natural beauty has emerged for several generations to appreciate. I sincerely wish the best for Mr. Boers and his family, and wish to thank him for insight and dedication to the city of Toledo. I know my colleagues join me in wishing Mr. Boers well in his retirement and expressing my deepest gratitude on behalf of the citizens of Toledo for his exceptional efforts to bring out one of the best of Toledo's bounty of attributes.

IN HONOR OF THE DEDICATION OF THE WORLD WAR II VETERANS MEMORIAL IN MILFORD, CT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. DeLAURO. Mr. Speaker, on Sunday, August 13, I have the pleasure of joining in the dedication ceremony of a monument in the town of Milford honoring all who served in World War II. This is a particularly fitting tribute as we mark the 50th anniversary of the end of World War II.